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DATE, 2013

Name
Superintendent / SAU
Address
City

Dear :

The New Hampshire Department of Education (NHDOE) is issuing determination letters for each school district for the FFY 2011 (2011-2012) reporting period. The determinations, required under the Individuals with Disabilities Education Act 2004, are part of the on-going efforts to improve results for children and youth with disabilities.

The NHDOE is required to determine if districts meet the requirements and purposes of IDEA. The NHDOE has reviewed the required information and determined that the _____ school district is in the second/third/sixth consecutive year of **needs assistance in implementing the requirements of IDEA** based on the established criteria. The NHDOE has enclosed a rubric outlining the compliance status of your school district on each criterion. The determination was made based on the total points earned. Enclosed is the federal description of the four categories of determination. There are specific technical assistance or enforcement actions, consistent with the level of concern signaled by the determination, for any district that does not meet the requirements of IDEA.

Since the NHDOE has determined, for 2 or more consecutive years, that the district needs assistance, the State shall take one or more of the following enforcement actions, consistent with section 616(e)(1):

- Advise the district of available sources of technical assistance.
- Direct the use of district's IDEA grant funds on area(s) in which the district needs assistance.
- Identify the district as a high-risk grantee and impose special conditions on the district's IDEA grant.

Pursuant to these requirements, the NHDOE has reviewed the district's results to determine the severity and frequency of the identified concerns. Because the district has demonstrated efforts to meet the requirements of IDEA and the areas of concern were unique each year, the NHDOE is advising the district of available resources of technical assistance related to the factors that impacted the district's determination status as identified on the attached resource sheet.

In making our determination for each district, the NHDOE considers the totality of the information we have about each district. This includes the district performance on the factors.

- **State Performance Plan Indicator 4B:** The district does not have a significant discrepancy by race or ethnicity in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs. Data were timely and accurate.

- **State Performance Plan Indicator 9:** The district does not have a disproportionate representation of racial and ethnic groups in special education and related services that is a result of inappropriate identification. Data were timely and accurate.
- **State Performance Plan Indicator 10:** The district does not have a disproportionate representation, by disability category, of racial and ethnic groups in specific disability categories that is a result of inappropriate identification. Data were timely and accurate.
- **State Performance Plan Indicator 11:** Initial evaluations for special education are completed within state established timelines. Data were timely and accurate.
- **State Performance Plan Indicator 12:** Children referred from Family-Centered Early Supports & Services to special education have a determination of eligibility prior to the third birthday. Children who were found eligible have an IEP developed and implemented (signed by the parent) on or before the third birthday. Data were timely and accurate.
- **State Performance Plan Indicator 13:** The district met the requirements for compliance with effective transition for students aged 16 and above. Data were timely, accurate and reliable.
- **State Performance Plan Indicator 15:** General Supervision findings of noncompliance identified in 2010-2011 through monitoring, complaints and due process hearings are corrected within required timelines.
- **State Performance Plan Indicator 7:** Preschool special education child progress data were timely and accurate.
- **Coordinated Early Intervening Services (CEIS): Federal Table 8.** Data were timely and accurate.
- **Audit:** Audit findings regarding special education funds are corrected within timelines.
- **IDEA Grant Management:** The district completes reporting for IDEA funds within timelines. All grants must be closed within 90 days of the project end date.
- **Maintenance of Effort (MOE):** Data were timely and accurate.
- **IDEA Grant Management:** Federal Assurances are submitted as required in the online grant system.

The criteria may change from year to year based on the federal requirements and State data. This does not negate any specific issues regarding compliance that require correction but is an overall determination of the district status with regard to the implementation of IDEA.

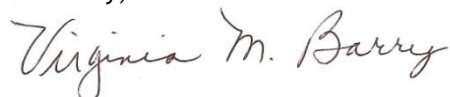
School district determinations are made using the same four categories that the Office of Special Education Programs (OSEP) used when making the determination of States. To find out more about New Hampshire's determination please go to: http://www.education.nh.gov/instruction/special_ed/districtdeterminations.htm

The four categories of determination based on the above criterion are:

- Meets the requirements and purposes of the IDEA.
- Needs assistance in implementing the requirements of the IDEA.
- Needs intervention in implementing the requirements of the IDEA.
- Needs substantial intervention in implementing the requirements of the IDEA or there is substantial failure to comply with the requirements of IDEA.

The NHDOE is committed to supporting school district's efforts to improve results for children with disabilities.

Sincerely,



Virginia M. Barry, Ph.D.
Commissioner of Education

VB/eh

Enclosure: District Scoring Rubric
Technical Assistance Resources List
616 Determination Sheet

cc: Special Education Director